

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS JOESPH DUNPHY, JR.,

Petitioner,

No. CIV 04-2623 DFL KJM P

vs.

WARDEN, DAVID L. RUNNELS, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

Examination of the in forma pauperis affidavit reveals that petitioner is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

Because petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondents will be directed to file an answer.

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1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Petitioner's request to proceed in forma pauperis is granted;

3 2. Respondents are directed to file an answer within sixty days from the date of
4 this order. See Rule 4, Rules Governing Section 2254 Cases. Respondents shall include with the
5 answer any and all transcripts or other documents relevant to the determination of the issues
6 presented in the application. Rule 5, Rules Governing Section 2254 Cases;

7 3. Petitioner's traverse, if any, is due on or before thirty days from the date
8 respondents' answer is filed; and

9 4. The Clerk of the Court shall serve a copy of this order together with a copy of
10 petitioner's application for writ of habeas corpus on Jo Graves, Senior Assistant Attorney
11 General.

12 DATED: May 19, 2005.

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15 UNITED STATES MAGISTRATE JUDGE
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